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HONORABLE CHRISTOPHER M. ALSTON

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re

B-1208 PINE, LLC,

Debtor.

Chapter 11

Case No. 24-10088-CMA

**OBJECTION TO CLAIM NO. 13 OF
SEATTLE PUBLIC UTILITIES, NOTICE
OF HEARING AND CERTIFICATE OF
MAILING**

TO: SEATTLE PUBLIC UTILITIES
AND TO: THE CLERK OF THE COURT
AND TO: THE HONORABLE CHRISTOPHER M. ALSTON
RESPONSE DUE: THURSDAY, DECEMBER 26, 2024
HEARING DATE: THURSDAY, JANUARY 2, 2025
HEARING TIME: 9:30 A.M. PACIFIC TIME
LOCATION: Seattle Federal Courthouse
Courtroom 7206, 7th Floor
700 Stewart Street
Seattle, Washington 98101

NOTICE IS HEREBY GIVEN that the undersigned has filed an Objection to your claim in the above-captioned Chapter 11 bankruptcy case, as detailed below.

Your rights may be affected. Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

PLEASE TAKE FURTHER NOTICE THAT if you do not want the Court to reduce, modify or eliminate your claim, then you or your attorney must file with the Court **on or before December 26, 2024**, a written response to the objection, explaining your position. If your written response is mailed to the Court for filing, you must mail it early enough so that the Court will receive it on or before the date stated above; mail to the following address:

OBJECTION TO CLAIM NO. 13 OF SEATTLE PUBLIC
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BUSH KORNFELD LLP
LAW OFFICES
601 Union St., Suite 5000
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Telephone (206) 292-2110
Facsimile (206) 292-2104

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**U.S. Bankruptcy Court
Western District of Washington
700 Stewart Street, Suite 6301
Seattle, WA 98101**

You must also mail a copy to the undersigned attorney at the address provided above.

PLEASE TAKE FURTHER NOTICE that a hearing to consider this Objection and allowance of your claim shall be held on **Thursday, January 2, 2025, at 9:30 a.m. Pacific Time** (the “Hearing”) in the United States Bankruptcy Court, located at the **Seattle Federal Courthouse, 700 Stewart Street, Courtroom 7206, 7th Floor, Seattle, Washington.**

IF YOU OPPOSE the Objection, you must file your written response with the court clerk and serve it upon the undersigned counsel NOT LATER THAN THE RESPONSE DATE, which is **Thursday, December 26, 2024.**

IF NO RESPONSE IS TIMELY FILED AND SERVED, the Court may, in its discretion, SUSTAIN THE OBJECTION PRIOR TO THE HEARING, WITHOUT FURTHER NOTICE TO YOU, and strike the Hearing.

B-1208 Pine, LLC, debtor in possession in the above-captioned chapter 11 bankruptcy case, objects to the above-named creditor/claimant’s claim upon the grounds indicated below:

OBJECTION TO CLAIM

B-1208 Pine, LLC (the “Debtor”), debtor and debtor in possession in the above-captioned chapter 11 bankruptcy case (the “Chapter 11 Case”), hereby objects to the asserted claim of Seattle Public Utilities (“Claimant”) for the reasons set forth below:

1. On January 16, 2024 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code before this Court.

2. Throughout the pendency of this Chapter 11 Case, the Debtor operated and managed its business as a debtor in possession pursuant to sections 1107 and 1108 of the Bankruptcy Code.

3. Pursuant to Federal Rule of Bankruptcy Procedure 3003(c)(3) and the Court’s *Order Setting Claims Bar Date* [Docket No. 76], the deadline for non-governmental entities to file a proof of claim in this Chapter 11 Case was April 25, 2024 (the “Claims Bar Date”).

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1 4. Prior to the Claims Bar Date, on March 28, 2024, Claimant filed Proof of Claim No. 5
2 (the “March 28 Proof of Claim”) with the Court in the Chapter 11 Case. *See* Proof of Claim No. 5.

3 5. By the March 28 Proof of Claim, Claimant asserts it holds an unsecured claim against
4 the Debtor in the amount of \$18,057.70 (the “Claim Amount”) based on amounts due and owing for
5 “Water, Sewer, Solid waste & Fire” charges assessed, as evidenced by that certain *Seattle Public*
6 *Utilities Bill* (the “Invoice”), dated March 22, 2024. *Id.*

7 6. After the Claims Bar Date, on June 15, 2024, Claimant filed a second proof of claim,
8 Proof of Claim No. 13 (the “June 15 Proof of Claim,” and the asserted claim evidenced thereby, the
9 “Claim”) with the Court in the Chapter 11 Case. *See* Proof of Claim No. 13.

10 7. By the June 15 Proof of Claim, Claimant similarly asserts it holds an unsecured claim
11 against the Debtor in the amount of \$18,057.70 (the same as the Claim Amount set forth in the March
12 28 Proof of Claim) also based on amounts due and owing for “Water, Sewer, Solid waste & Fire”
13 charges assessed, evidenced by the same Invoice, dated March 22, 2024, filed in support of the March
14 28 Proof of Claim. *Id.*

15 8. The June 15 Proof of Claim states “No” as the answer to whether the claim amends one
16 already filed. *See id.*, at 1, question 4.

17 9. The Debtor objects to Claim No. 13 of Claimant Seattle Public Utilities on the basis
18 that the June 15 Proof of Claim, and the additional Claim asserted thereby, is a duplicate of the March
19 28 Proof of Claim, as the Invoice submitted in support of the June 15 Proof of Claim is the same as
20 the Invoice submitted in support of the March 28 Proof of Claim.

21 10. The Debtor further objects to Claim No. 13 of Claimant Seattle Public Utilities on the
22 basis that it was filed untimely and, therefore, should be disallowed in full. The Claimant’s deadline
23 to file a proof of claim was April 25, 2024. *See* Docket No. 76; Fed. R. Bankr. P. 3002(c). A

1 claimant must file a proof of claim within the prescribed time. Fed. R. Bankr. P. 3002(c)(2).

2 Claimant filed the June 15 Proof of Claim on June 15, 2024, well after the Claims Bar Date. Because
3 Claimant filed the claim late, the Claim should be disallowed. 11 U.S.C. § 502(b)(9); *Zidell v. Forsch*
4 (*In re Costal Alaska Lines, Inc.*), 920 F.2d 1428, 1432–33 (9th Cir. 1990); *United States v. Osborne*
5 (*In re Osborne*), 76 F.3d 306, 308 (9th Cir. 1996).

6 11. By this Objection, the Debtor does not object to the Claimant's March 28 Proof of
7 Claim, and such claim asserted therein shall be treated in the chapter 11 plan to the extent allowed.

8 12. This Objection is limited to the grounds stated herein. The Debtor expressly reserves
9 all further substantive or procedural objections. Nothing contained herein or any actions taken
10 pursuant to such relief is intended or should be construed as: (a) an admission as to the validity of any
11 claim against the Debtor; (b) a waiver of the Debtor's right to dispute any claim on any grounds; (c) a
12 promise or requirement to pay any claim; (d) an implication or admission that any particular claim is
13 of a type specified in this Objection; or (e) a waiver of the Debtor's rights under the Bankruptcy Code
14 or any other applicable law.

15 IF YOU OR YOUR ATTORNEY DO NOT TAKE THE STEPS SET FORTH ABOVE, THE
16 COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE OBJECTION TO YOUR CLAIM.

17 DATED this 26th day of November, 2024.

18 BUSH KORNFELD LLP

19 By /s/ Richard B. Keeton

20 James L. Day, WSBA #20474

21 Richard B. Keeton, WSBA #51537

22 Attorneys for the Debtor
23

1 **CERTIFICATE OF MAILING**

2 I certify that on this 26th day of November, 2024, at Seattle, Washington, I caused copies of the
3 *Objection to Claim No. 13 of Seattle Public Utilities, Notice of Hearing and Certificate of Mailing* to
4 be mailed by U.S. First Class Mail, postage pre-paid to:

5 Seattle Public Utilities
6 P.O. Box 34018
7 Seattle, WA 98124-5177

8 and emailed to: SPU_Bankruptcy@Seattle.gov.

9 I declare under penalty of perjury that the foregoing is true and correct.

10 /s/ Eric Yocom

11 Eric Yocom
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